IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPICATION No.3240 of 2007

Prakash Shankar Bhosale ..Applicant.

Vs.

THE STATE OF MAHARASHTRA ..Respondent.

Mr Dinesh W. Bhosale, Advocate, for the Applicant.

Mr U. V. Nikam, A.P.P. for the Respondent -State.

CORAM: V.C. DAGA, J.
DATED: 10.10.2007.

P.C.:-

1. Heard learned Advocate for the applicant and the learned A.P.P. for the State-respondent.

2. Perused application and the material available on record.

3. This application under Section 438 of the Cr.P.C. is to seek anticipatory bail in C.R.No.159 of 2007 registered with the Sangola Police Station, for the offence punishable under Sections 143, 147, 149, 326, 504, 506 of the I.P.C. read with Section 135 of the

Bombay Police Act.

4. According to the prosecution, on 19-8-07 at about 7:30 p.m. on the southern side of Dhyati village, Taluka Sangola the applicant and other co-accused persons assaulted the complainant by means of a motor cycle chain and sticks on the head and leg of the complainant. That is how the complaint came to be filed by the complainant under the aforesaid Sections.

5. Learned counsel for the applicant submits that the applicant is in Government service. According to him, there are two political groups one is headed by Shetkari Kamgar Party and another Indian National Congress Party and therefore the applicant has been implicated by the said groups with intention to spoil the career so that the applicant may loose his Government service. Thus, the learned counsel applicant claimed that the applicant would be entitled for anticipatory bail.

6. Learned A.P.P. opposed the application

contending that the applicant has played a major role in commission of the offence. However, he could not take his submission to the logical end.

7. Having heard rival parties, it is not in dispute that all other co-accused persons are enlarged on bail, there is no prima facie material on record against the applicant for his custodial interrogation. The investigation is almost complete. Charge sheet has also been filed. Under these circumstances, I am inclined to grant anticipatory bail to the applicant on following terms and conditions.

a. The applicant,Prakash Shankar Bhosale, in the event of arrest in C.R.No.159 of 2007 registered with the Sangola Police Station, for the offence punishable under Sections 143, 147, 149, 326, 504, 506 of the I.P.C. read with Section 135 of the Bombay Police Act, be released on bail in the sum of Rs.25,000/- with one or two sureties to make up the said amount.

b. that he should report to the concerned Police Station, once in a week i.e. on every Monday between 3.00 to 5.00 p.m. till conclusion of the trial.

c. the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

d. The applicant shall co-operate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

e. The applicant is put on notice that on a report by the State in violating any of the conditions by him, mentioned herein, shall result in cancellation of this bail order.

7. Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

8. The application is allowed in the above terms.

(V.C. DAGA,J.)